

# KING'S BENCH DIVISION.

Before Mr Justice DARLING and a Special Jury.

## ACCIDENT WHILST MOTORING.

Lieutenant Frederick Reginald Harford, of the Scots Guards, and son of Colonel Harford, was plaintiff in an action, in which he sought to recover damages from Mrs. Alice Gray Hubbard, because of the injuries sustained by him in a collision with the lady's motor-car. Defendant denied that there was any negligence on the part of herself or her servant, and in the alternative asserted that the plaintiff was guilty of negligence, and that the injuries were the result of an unavoidable accident.

In the summer of 1906 the Scots Guards were stationed at Aldershot, and on the afternoon of Sunday, Aug. 12, Lieutenant Harford was returning on his motor-bicycle from the Guards' Club at Maidenhead. He came up Bracknell-road and turned into the main London and Aldershot road. At the corner, or soon after, he came into collision with the defendant's motor-car, his machine was wrecked, and he was dragged some distance. He was taken into a neighbouring hotel, and a doctor was called, who found him suffering from severe shock, long and deep wounds in the head and groin, while his left leg was broken in six places. After lying there for some days he was removed to a nursing home and an operation performed on the injured leg. He was afterwards taken to King Edward-VII's Hospital for officers, and it was not till a year after the accident that he was able to rejoin his regiment.

Plaintiff explained that the corner was blind and very awkward, and he always took it very slowly. As he emerged on the main road on the afternoon in question he saw the car going towards London, and, there being plenty of room, he crossed over in front to his near side. He had got fifteen or twenty yards along the main road on his proper side when the car swerved over to its right, and knocked him over.

Mr. Salter, K.C. (for the defendant) intimated that he should not dispute the items of special damage, some £500, out of pocket expenses, which the plaintiff said he had had to incur by reason of the accident.

Mr. Justice Darling: There is no claim for loss of profit while he was away from his regiment?

Mr. Isaacs, K.C. (for the plaintiff): No, my lord; they do not make any apparently. (Laughter.)

Plaintiff went on to say that the result of the fracture of his leg was that it had become shorter than the other by an inch, and, though it did not interfere with his walking it did prevent him running as well.

Mr. Justice Darling: But the Guards are not supposed to run. (Laughter.)

Mr. Isaacs: They do not run away, they run after. (Laughter.)

Mr. Salter: Had you promised your father to give up motor-cycling?—He rather seemed to object to my riding, but I do not know why.

Mr. Salter: Because you were likely to break your neck?

Mr. Isaacs (to Mr. Salter): Because you were likely to break his neck.

Plaintiff added that his father said he thought motor-cycles were dangerous.

Mr. Justice Darling: Did he suggest you had better ride with the Windsor Drag?—He might have.

Mr. Salter: I suppose you have ridden that bicycle over thirty miles an hour?—On an open road.

And pretty often on an open road?—Yes, when it was quite safe.

On a fine Sunday afternoon that road is crowded with motor traffic returning to London?—Yes.

Mr. Justice Darling: People who had been to church, I suppose? (Laughter.)

Mr. Salter: Yes. (Laughter.)

The act of the driver going on the path on his wrong side was a mad thing to do?—Yes; I consider he lost his head.

Sir Alfred Fripp, who was called in, described the plaintiff's injuries, and expressed his opinion that for some time Lieut. Harford was in serious danger, but he subsequently made a quite remarkable recovery.

Mr. Salter remarked that as a consequence of this and other accidents the London and South-Western Railway, whose line ran under the road at this point cut down the hedges and bushes, so that the corner was no longer blind. The local authority also put up danger signals.

For the defence, the chauffeur denied hearing the plaintiff's booter. Plaintiff swung round the corner at a fast pace, and seemed to be coming straight for the car. Witness jammed on both brakes and turned in to the right to let the plaintiff go behind; there was nothing more he could do, but it was not successful in avoiding an accident. Plaintiff was on the wrong side, attempting to pass behind the car. When witness turned to the right plaintiff's machine skidded and the collision occurred. Plaintiff was not carried more than three yards by the car.

Lady Jephson and Mrs. Hubbard, who, with Mr. Chance, were in the car, agreed that the plaintiff came round the corner very rapidly, and that the chauffeur could do nothing but what he did, the whole occurrence happening in a few seconds.

The hearing was adjourned.

Counsel engaged were Mr. Rufus Isaacs, K.C., and Mr. Johnson (instructed by Messrs. Surman and Tuckett) for the plaintiff; and Mr. Salter, K.C., and Mr. Longstaffe (instructed by Messrs. Griffith and Gardiner) for the defendant.

## King's Bench Division Accident Whilst Motoring

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